



## DECISIONS, NOTICES AND ORDERS

**Friday, October 20, 2017**

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

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### REHEARINGS

The Court took the following action on petitions for rehearing:

State of West Virginia v. Gary Paul Ferrell, No. 16-0751 (Gilmer 15-F-11)  
Petition refused

### MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

Brett Cabell, et al. v. WV Division of Highways and WV Division of Personnel, No. 16-0527 (Kanawha 11-AA-128)  
Affirmed (4-0) (Justice Workman disqualified)

State of West Virginia v. Clyde Richey, No. 16-0956 (Kanawha 79-F-274)  
Affirmed (5-0)

F.S.T., Inc. v. Hancock County Commission, No. 17-0016 (Hancock 16-P-38)  
Dismissed (5-0)

Dennis Corporation v. CPB, LLC, No. 16-0928 (Putnam 14-C-218)  
Affirmed (5-0)

Charlton Horton, Jr. v. David Ballard, Warden, No. 16-1084 (Mineral 06-C-75)  
Affirmed (5-0)

State of West Virginia v. Jeremy Allen Marcum, No. 16-0873 (Wayne 15-F-24)  
Affirmed (5-0)

Rebecca Martin v. Covestro LLC and Randy Hively, No. 16-1099 (Kanawha 15-C-594)  
Affirmed (5-0)

ORDER LIST  
October 20, 2017  
Page 2

Donna Hamilton v. Jaiyoung Ryu, M.D., No. 16-0856 (Monongalia 14-C-691), No. 16-0856 (Monongalia 14-C-691)  
Affirmed (4-0) (Justice Walker disqualified)

Jeremy Shultz v. David Ballard, Warden, No. 16-0934 (Kanawha 13-P-362)  
Affirmed (5-0)

State of West Virginia v. E.K., No. 16-0430 (Berkeley 15-F-52)  
Affirmed (5-0)

C.D. v. Grant County Board of Education, No. 16-1035 (Grant 15-C-25)  
Affirmed (5-0)

Mike Ross, Inc. and Waco Oil and Gas, Inc. v. Zachary S. Bergdorf and Rosalea Harker, No. 16-1046 (Barbour 14-C-35)  
Affirmed (4-1) (Justice Davis dissenting)

**RULE 19 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 19 oral argument on the dates stated:

Hampden Coal v. Michael Varney, No. 17-0088 (Mingo 16-C-113)  
January 9, 2018

Patricia S. Reed, Commissioner v. Joseph D. Pompeo, No. 17-0175 (Ohio 16-C-158)  
January 10, 2018

Gloria Cowger v. Dennis Cowger, No. 17-0125 (Webster 15-D-24)  
January 16, 2018

MarkWest Liberty Midstream & Resources v. James T. Nutt, No. 17-0138 (Doddridge 16-C-56)  
January 16, 2018

Kahle's Kitchens, Inc. v. Shutler Cabinets, Inc., No. 17-0036 (Marshall 16-C-65)  
January 17, 2018

FirstEnergy Generation, LLC v. James and Carol Muto, No. 17-0067 (Harrison 14-C-532-1)  
January 17, 2018

Lawyer Disciplinary Board v. Benjamin F. White, No. 16-1003 (Lawyer Disciplinary)  
February 6, 2018

State of West Virginia v. Amber Lee Richardson, No. 16-1064 (Monroe 14-F-2)  
February 27, 2018 – West Virginia University

ORDER LIST  
October 20, 2017  
Page 3

**RULE 20 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 20 oral argument  
on the dates stated:

Erie Insurance Property and Casualty v. Ricky Dolly, No. 16-1151 (Hampshire 14-C-62)  
January 9, 2018

Bill J. Crouch, Secretary of the WV Dept. of Health and Human Resources v. Eric  
Gillispie, Administrator of the Estate of Raynna Rea Boggs, No. 17-0025  
(Kanawha 12-C-697)  
January 9, 2018

AMFM, LLC, et al. v. Kimberly Shanklin, No. 17-0096  
January 10, 2018

Alan Enterprizes, LLC v. Mac's Convenience Stores LLC, Joyce Salmon, and Louis Diab,  
No. 17-0087 (Harrison 14-C-503-2)  
January 10, 2018

Allan and Arlene McNarnay v. Petty T. Hall, et al., No. 17-0086 (Monroe 06-C-35)  
January 10, 2018

Keith Taylor v. Dale W. Steager, State Tax Commissioner, No. 16-0910 (Mineral 14-AA-1)  
January 16, 2018

Lawyer Disciplinary Board v. Timothy M. Sirk, No. 16-1179 (Lawyer Disciplinary)  
January 24, 2018

State of West Virginia v. Michael Keith Allman, No. 16-1128 (Wood 15-F-179)  
March 13, 2018 – LAWS Program, Berkeley Springs

**ORDERS**

Orders of note were entered in the following cases:

State ex rel. West Virginia Investment Management Board and West Virginia Consolidated  
Public Retirement Board v. Hon. Christopher C. Wilkes, Judge, et al., No. 17-0682  
(Original Prohibition)  
Petition refused (5-0)

State ex rel. Taylor Bates, et al. v. Hon. James A. Matish, Judge, et al., No. 17-0743  
(Original Prohibition)  
Petition refused (5-0)

State ex rel. Justin Harrison, et al. v. Hon. Allen H. Loughry II, Chief Justice, et al., No. 17-0823  
(Original Prohibition)  
Petition refused (4-0) (Justice Walker disqualified)

ORDER LIST  
October 20, 2017  
Page 4

State of West Virginia v. Ronald Steven Carson, No. 17-0865 (Post-Conviction Bail)  
Petition refused (5-0)

State of West Virginia v. Joshua Lowther and Richard Bell, No. 17-0775  
(Certified Question)  
Decline to docket (3-2) (Justices Davis and Walker)

State of West Virginia v. M.B., No. 16-0943 (Greenbrier 16-JA-10)  
Dismissed as moot (5-0)

Loyd Moore, Jr. v. Kentucky Fuel, No. 17-0721 (Certified Question)  
Decline to docket (3-2) (Justices Davis and Workman)

M.H. v. D.D., No. 17-0900 (Cabell 17-DV-331)  
Summarily affirmed (5-0)